



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.*

Tuesday, October 19, 2010

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Present: Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

#### 1. CALL TO ORDER

Mayor Harper called the meeting to order at 5:30 p.m.

#### CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

#### 2. EXECUTIVE SESSION

2A. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) and TEXAS GOVERNMENT CODE, §551.074 (Personnel) to consult with the City Attorney and deliberate the appointment of the Associate Judge. (30 minutes)

2B. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) to consult with the City Attorney regarding invocations at Rowlett City Council meetings. (20 minutes)

#### RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:55 p.m.

**3. WORK SESSION ITEMS (6:20 P.M.)**

- 3A.** Hear Freese & Nichols, Incorporated presentation for Merritt Road (Liberty Grove) Phase 2 Alignment. (35 minutes)

Staff gave a brief presentation regarding this item.

Representatives from Freese & Nichols, Inc. gave a PowerPoint presentation regarding Phase 2 of the Merritt Road Alignment. Spoke regarding the purpose of the study and the criteria for evaluation. Recommended implementation of Option 3 as a 4-lane roadway with preservation for a 110-foot right-of-way (ROW) for a 6-lane roadway in the future. Stated there is economic development potential in the area. Discussed the roadway, drainage, bridge cost and ROW impact.

Staff stated the Liberty Grove Bridge is actually owned by the City of Dallas.

A member of Council stated the likely short-term development does not appear to be east of the turnpike; another member stated he would like to keep the existing Liberty Grove Road in place for frontage access.

A consensus was reach by the Council to accept the report as presented with the 110-foot ROW but additional understanding and more information will be needed when addressing the Liberty Grove Road Bridge issue.

- 3B.** Discuss the timing of a future bond election. (30 minutes)

This item was postponed until a future meeting.

**4. DISCUSS CONSENT AGENDA ITEMS**

Item 10H was removed from the Consent Agenda to be considered individually.

**CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)**

Convened into the Council Chamber at 7:40 p.m.

**5. INVOCATION**

The invocation was led by Mayor Harper.

**6. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Harper.

**7. TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Mayor Harper.

**8. PRESENTATIONS AND PROCLAMATIONS**

**8A. Proclamations for the 2010 winners of the Rowlett Arts & Humanities Commission's Photography Contest.**

Mayor Pro Tem Gottel, Kathy Cockcroft, Director of Library Services, and Hugo Martinez, Arts & Humanities Commission representative, presented each winner with a proclamation and a prize check.

**8B. Proclamation recognizing the month of October as Breast Cancer Awareness Month.**

Councilmember Phillips read the proclamation into the record and recognized Councilmember Davis, Monica Phillips and those in the audience who are survivors of breast cancer.

**8C. Hear presentation of the Monthly Financial report for the period ending August 31, 2010.**

City staff gave a brief presentation regarding the Monthly Financial report for the period ending August 31, 2010.

**8D. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.**

Mayor Harper gave a brief update to the Council on the various activities in the City including early voting times and locations for the November 2 General Election; December 4 is Build Day for Wedgewood Park; the City's revenues and expenditures; the City's Five-Year CIP Budget; new businesses created in Rowlett; the recent sewage line break outside of the Eastside Lift Station; named Rick Sheffield, Joe Charles, Drew Howard, Ron Miller, Mark Garcia, Lisa Ferrell, Councilmember Phillips, Councilmember Gallops, Lynda Humble, Steve Cooke and Erin Jones to the Ad Hoc Committee for the Comprehensive Plan Steering Committee; the

introduction of Interactive Voice Recording system to make various payments; spoke regarding construction projects and lane closures; the October 21<sup>st</sup> Taste and Trade Rowlett at Rowlett High School; the October 28<sup>th</sup> Boards and Commissions Volunteer Banquet; the November 10<sup>th</sup> Rowlett Chamber Luncheon; and the November 11<sup>th</sup> Veterans' Day Ceremony at 4:30 p.m. in Veterans Park.

Mayor Pro Tem Gottel thanked the audience for participating in the Council meeting.

Mayor Harper stated invocations will continue at the Council meetings.

## **9. CITIZENS' INPUT**

1. Kent Cox, 6510 Marquett Court, Rowlett – spoke regarding invocations at Council meetings.
2. Engleburg Toney, 2900 Lake Terrance Drive, Wylie – spoke regarding invocations at Council meetings.
3. Oscar Blanco, 8522 Seafield Lane, Rowlett – spoke regarding invocations at Council meetings.
4. Kason Huddleston, 8601 Liberty Grove Road, Rowlett – spoke regarding invocations at Council meetings.
5. Rita Blanco, 8522 Seafield Lane, Rowlett – spoke regarding invocations at Council meetings.
6. Cindy Rushing, 6305 Joel Court, Rowlett – spoke regarding the Rowlett Women's Club Christmas Tour of Homes and street signage during road construction.
7. James Colvin, 7605 Kallan Drive, Rowlett – spoke regarding invocations at Council meetings.
8. Ron Loken, 7606 Coral Way, Rowlett – spoke regarding invocations at Council meetings.
9. Linda Morgan, 7306 Caruth Drive, Rowlett – spoke regarding invocations at Council meetings.
10. Fred Witzell, 7609 Coral Way, Rowlett – spoke regarding invocations at Council meetings.
11. Larry Morgan, 7306 Caruth Drive, Rowlett – spoke regarding invocations at Council meetings.
12. Allen Gregory, 8200 Schrade Road, Rowlett – spoke regarding invocations at Council meetings.
13. Andrew Hoedebeck, 8817 Millwood Drive, Rowlett – spoke regarding invocations at Council meetings.
14. Antonio Alvarado, 3926 Rowlett Road, Rowlett – spoke regarding invocations at Council meetings.
15. Matthew Sumrall, 9229 Willard Street, Rowlett – spoke regarding invocations at Council meetings.

## **10. CONSENT AGENDA**

Item 10H was removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the September 28, 2010 City Council Special Work Session Meeting, the September 28, 2010 City Council Special Meeting and the October 5, 2010 Regular Council Meeting.

**This item was approved on the Consent Agenda.**

- 10B.** Consider a resolution authorizing and approving the City's Investment Policy and the Approved Brokers/Dealers List as presented by the City's Investment Advisors.

**This item was approved as RES-090-10 on the Consent Agenda.**

- 10C.** Consider a resolution approving the payment for computer software maintenance and support services for City Departments to SunGard H T E, Inc. in the amount of ninety-four thousand eight hundred seventy dollars and forty cents (\$94,870.40) and authorizing the City Manager to execute the necessary documents to continue said services.

**This item was approved as RES-091-10 on the Consent Agenda.**

- 10D.** Consider a resolution authorizing the final acceptance of public improvements for Zalcon Center 1 located on Lot 1, Block A, Zalcon Center 1 Addition, 9101 Lakeview Parkway.

**This item was approved as RES-092-10 on the Consent Agenda.**

- 10E.** Consider a resolution approving a Professional Services Agreement with United States Right of Way, Incorporated for the acquisition of the right-of-way and easements for the Merritt Road, Phase 1 Street Reconstruction Project in the amount of one hundred sixty-two thousand eight hundred fifty dollars and no cents (\$162,850.00).

**This item was approved as RES-093-10 on the Consent Agenda.**

- 10F.** Consider a resolution approving a Professional Services Agreement with Prime Time Group, Incorporated for the acquisition of the right-of-way and easements for the Merritt Road, Phase 1 Street Reconstruction Project in the amount of thirty-nine thousand seven hundred fifty dollars and no cents (\$39,750.00).

**This item was approved as RES-094-10 on the Consent Agenda.**

- 10G.** Consider a resolution exercising the first of two one-year renewal options to extend the motor fuel bid to Martin Eagle Oil Company, Incorporated in the unit amounts bid for transporting and delivery per fuel gallon and type in an estimated annual amount of three hundred eighty-eight thousand five hundred twenty-five dollars (\$388,525).

**This item was approved as RES-095-10 on the Consent Agenda.**

- 10H.** Consider a resolution approving Task Order Number 9-CA to the approved Professional Services Agreement with Cheatham & Associates, Incorporated for the engineering design of Larry Street from Commerce to Rowlett Road and for Commerce Street from Larry Street to Delia Street as part of the City's Community Development Block Grant (CDBG) Program in the amount of one hundred two thousand three hundred forty-five dollars and no cents (\$102,345).

This item was removed from the Consent Agenda to be considered individually.

Staff gave a brief presentation regarding this item.

**A motion was made by Councilmember Kilgore, seconded by Deputy Mayor Pro Tem Jackson, to approve the item as read. This item was adopted at RES-096-10. The motion carried by the following vote:**

**Ayes: 5 – Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**Noes: 2 – Mayor Harper and Mayor Pro Tem Gottel**

#### **Passed The Consent Agenda**

**A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Jackson, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:**

**Ayes: 7 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

#### **11. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 11A.** Consider appointment of Associate Judge(s) and authorize the City Manager to negotiate the contract.

Mayor Harper read the item into the record.

A motion was made by Councilmember Davis, seconded by Mayor Pro Tem Gottel, to appoint Pamela Liston as the Rowlett Municipal Associate Judge and to appoint Rick Schimmel as the Rowlett Municipal Alternate Associate Judge to be effective November 15, 2010. The motion carried by the following vote:

**Ayes: 7 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

- 11B. Conduct a public hearing and consider approving an ordinance for a Planned Development (PD) application for a single-family residential development. The subject property is located on the east side of Dexham Road approximately 115 feet south of Foxwood Drive, being 71.445 ± acres, in the Reason Crist Survey, Abstract 225, Dallas County. (Case Number PD10-465)

Mayor Harper read the item into the record.

Staff gave a brief presentation for this item.

Members of Council voiced concern regarding the natural wetlands in the proposed development.

Jay Volk, representative of the developer, spoke concerning the natural wetlands in the proposed development.

Members of Council voiced concern regarding the economic development incentive agreement.

Staff explained the incentive agreement to the Council.

A member of Council asked about the way the density was calculated.

Staff stated the open space was not included in the density calculations.

The public hearing opened at 9:40 p.m. and closed at 10:03 p.m. with four people speaking.

1. Mark Weist, 6118 Covington, Rowlett – spoke concerning the proposed development, the natural wetlands and child traffic to and from the elementary school.
2. Dan Pigmon, 6202 Covington, Rowlett – spoke concerning the drainage effects the proposed development will have on his property.
3. Sean Black, 6117 Covington, Rowlett – spoke concerning the drainage effects the proposed development will have on his property.
4. Barbara Smith, 6117 Kittyhawk Drive, Rowlett – spoke concerning the size of the proposed development and the potential for flooding.

Staff spoke regarding the concern of flooding and explained how the floodplain maps are created.

A member of Council questioned staff concerning the possibility of flooding on the west side of Dexham should the proposed development is built.

Staff stated there should not be any reason why the west side of Dexham would flood as a result of the proposed development being built.

A motion was made by Councilmember Kilgore, seconded by Deputy Mayor Pro Tem Jackson, to approve the item as read. This item was adopted at ORD-028-10. The motion carried by the following vote:

**Ayes:** 5 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember

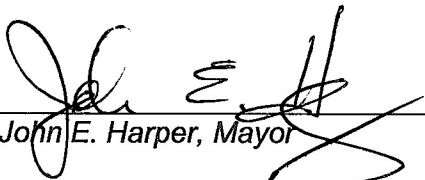
**Noes:** 2 – Mayor Harper and Councilmember Gallops

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

See Item 11A for action on Item 2A from the Executive Session. See Item 8D for reference to Item 2B from the Executive Session.

**12. ADJOURNMENT**

Mayor Harper adjourned the meeting at 10:11 p.m.

  
\_\_\_\_\_  
John E. Harper, Mayor

Date Approved: November 2, 2010

  
\_\_\_\_\_  
Susie Quinn, City Secretary